

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

CHARLES REED,)	CASE NO. 8:08CV245
)	
Plaintiff,)	
)	ORDER
vs.)	
)	
GREAT WESTERN BANK,)	
)	
Defendant.)	

This matter is before the Court on the Defendant Great Western Bank's Motion to Dismiss Plaintiff's Complaint (Filing No. 6). The Plaintiff, Charles Reed, filed an Amended Complaint on August 1, 2008 (Filing No. 10). The Amended Complaint is permitted "as a matter of course" under Fed. R. Civ. P. 15(a)(1)(A), because the Defendant's Motion to Dismiss is not a "responsive pleading." See Fed. R. Civ. P. 7(a); *Winfrey v. Brewer*, 570 F.2d 761, 764 n.4 (8th Cir. 1978). Accordingly, the Motion to Dismiss will be denied as moot.

IT IS ORDERED:

1. The Defendant Great Western Bank's Motion to Dismiss Plaintiff's Complaint (Filing No. 6) is denied as moot; and
2. The Defendant Great Western Bank will respond to the Plaintiff's Amended Complaint in accordance with Fed. R. Civ. P. 12.

DATED this 4th day of August, 2008.

BY THE COURT:

s/Laurie Smith Camp
United States District Judge